

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 1, 1998**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Interim Town Administrator Rawls, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Tom Truex, 4740 SW 72 Avenue, spoke on the Griffin Road corridor and the timing of finalizing plans. He requested that Council present the plans to the residents allowing adequate time for public input prior to taking a final vote on the matter. Mr. Rawls responded by outlining the study progression and indicating how the Town implemented changes along that corridor. He explained that staff would be identifying a number of different recommendations taken from a study and presenting it to Council for a more definitive direction on those issues. Mr. Rawls clarified the zoning in progress issue which had delayed any action on various petitions in that area. He stated that some of the development which was consistent with the proposed concepts may be able to move forward and that the December 16th meeting was not a finalization, that there would be public hearings and further meetings before Council would implement changes that would regulate uses. Both Vice-Mayor Cox and Mr. Rawls reiterated the process which reassured that there would be ample opportunity for public testimony.

4. PRESENTATIONS

4.1 Friends of Davie Parks and Recreation, Lisa Edmonson

This presentation was rescheduled to December 16th.

4.2 Gold Wing Road Riders

Mayor Venis presented a Certificate of Appreciation to representatives from the Gold Wing Road Riders Association, Chapter FL2R.

4.3 Ed Dilts, Davie Firefighters

This item was deferred to December 16, 1998.

4.4 Agrarian Committee

Councilmember Paul introduced Agrarian Committee Co-Chair Delia Alonso, who spoke on the goals and concerns of the Committee. Ms. Alonso was seeking support from the Council in his Committee's efforts to request that the Broward County Commission and the Property Appraiser's Office abide by the Florida Statutes and to keep the agricultural classification clear and consistent. She indicated that the preservation of agriculture in Davie and surrounding areas and the success of the commercial farmers was dependent upon keeping the agricultural classifications. Ms. Alonso stated that she would provide a draft of the letter she intended to send to the Commission and Appraiser and that she would arrange to have colleges speak in their own words before Council if it so desired.

4.5 Employee Recognition for Town of Davie Parks Refurbishment Project

Later in the meeting, Mayor Venis presented Certificates of Appreciation to Ronald Anderson, Edward Butler, Jr., Sigurd Haugdahl, Jr., Gary Lee, Tota Maraj, Ross Rowland, Bruce Steward, James Washington, and Bruce Bernard. Certificates of Appreciation would be provided to Joy Albertson, Robert Buckley, Joe Christino, Donald Crotty, Russell Daidone, Harry Edwards, and William Hedger, who were not present.

4.6 Davie/Cooper City Chamber of Commerce

Peter Thompson, representing the Chamber, advised of the events that the Chamber was planning. He also reported on the plans to have the Chamber building repainted.

4.7 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: Annual Senior and Adult Pot-Luck Party (December 11th); Girls and Youth Baseball and Softball Programs (December 14th); and the Winter and Holiday Camp Program (December 21st - 31st). She also announced the dates and places of the "follow-up meetings" regarding the bond issue projects.

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Mrs. America Florida Pageant (December 11th); South Florida Trailriders Jingle Bell Parade (December 13th), which would culminate at the Bergeron Rodeo Arena with the U. S. Marine's Toys for Tots drive and a free concert; Lighting of the Greens and Old Davie School tours (December 15th).

5. OCCUPATIONAL LICENSES

Home Occupational Licenses

5.1 Biggs Interiors, Inc., 2825 SW 117 Avenue

The applicant was not present.

5.2 Premier Dental, Inc., 11655 SW 21 Place

The applicant was not present.

5.3 Splash Pools and Spas of Florida, Inc., 14600 SW 21 Street

The applicant was not present.

6. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER WEINER

HAPPY HOLIDAY SEASON. Councilmember Weiner wished everyone a happy and healthy upcoming holiday season.

THANKSGIVING DINNER. Councilmember Weiner stated that he participated in serving dinner to a tremendous group of people at the Davie Ale House along with other Councilmembers and assisted by the Davie FOPA.

LITIGATION. Councilmember Weiner inquired on the status of litigation which had been discussed regarding the Sunrise Utilities surcharge and the proposed horse trail out west. Mr. Webber responded that both lawsuits had been filed, Sunrise had been served and he was awaiting their response of pleading. With regard to the horse trail on 142nd Avenue, Mr. Webber stated that litigation had been filed and the Town was preparing its response.

CONGRATULATIONS. Councilmember Weiner congratulated Programs Manager Will Allen on his efforts in contacting alternative cable television carriers since the current franchise had expired. Councilmember Weiner hoped that the Town would see some improved services for the residents through those telecommunications efforts.

WATER PRESSURE COMPLAINT. Councilmember Weiner stated that he had received a complaint from a resident regarding his water pressure. Although the resident was serviced by Sunrise Utilities, Utilities Director Dan Colabella responded that he would follow up on the complaint.

FIRE INSPECTIONS. Councilmember Weiner advised that there was a provision in the Town Code which required fire inspection certificates be issued upon receiving an Occupational License. He indicated that the cost was built into the licensing fee. Councilmember Weiner emphasized that the Town needed to make sure that those inspections were conducted as a matter of public safety.

Mayor Venis inquired on the cable franchise mentioned by Councilmember Weiner and asked Mr. Rawls if there was a time frame to reach an agreement as he recalled that there were several modifications made to the BellSouth agreement. Mr. Rawls responded that he had worked through several drafts with Mr. Webber and he was hopeful of having an agreement ready by the December 16th meeting although a few issues remained.

VICE-MAYOR COX

AGRARIAN COMMITTEE. Vice-Mayor Cox stated that she was pleased that the first meeting was fruitful and that the Committee was moving forward. With regard to the Committee's concerns on agricultural exemptions, she suggested that it contact Rocky Rodriguez of the Property Appraiser's Office, since Mr. Rodriguez had offered his services.

LIGHTING OF THE GREEN. Vice-Mayor Cox encouraged everyone to attend the Lighting of the Green event and enjoy the display of Town Hall decorated for the holidays.

CONGRATULATIONS. Vice-Mayor Cox congratulated Police Officers Kathy Hart and Laverne Jones for their success in the Mounted Police Competition held in Mobile, Alabama.

THANKSGIVING DINNER. Vice-Mayor Cox stated that she enjoyed participating with other volunteers who served dinner at the Davie Ale House although she was not able to stay as long as she would have liked. Vice-Mayor Cox commented that the level of volunteerism spoke well for the Town.

HAPPY HANUKKAH. Vice-Mayor Cox wished a Happy Hanukkah to those who celebrated this holiday.

COUNCILMEMBER PAUL

CIVILIAN POLICE ACADEMY. Councilmember Paul commented that the Civilian Police Academy classes were being offered and that it was an excellent opportunity for interested residents to see how the police force worked.

THANKSGIVING DINNER. Councilmember Paul thanked those volunteers who donated their time at the Davie Ale House in serving Thanksgiving dinner.

CONGRATULATIONS. Councilmember Paul congratulated Police Officer Robert Labelle for his efforts in the national contest for members of the Community Oriented Policing. She stated that the Town was runner up to the City of Boston which won the national prize.

Councilmember Paul congratulated Interim Chief of Police Robert McDaniel and Assistant Town Clerk Barbara McDaniel on their recent wedding.

HAPPY HANUKKAH. Councilmember Paul wished a Happy Hanukkah to everyone who celebrated the holiday.

REQUEST FOR AN AGENDA ITEM. Councilmember Paul stated that she was requesting that an item which had been brought up at the last meeting regarding public input on the first reading of an ordinance, be placed on the agenda of an upcoming meeting. She expressed her concerns with the present policy which provided for public input at the second reading of an ordinance and explained her logic in requesting that the policy be reversed.

COUNCILMEMBER BUSH

HAPPY BIRTHDAY. Councilmember Bush wished his wife, Helen, and daughter, Jennifer, happy birthdays.

MAYOR VENIS

HAPPY HANUKKAH. Mayor Venis wished everyone who celebrated this holiday, a Happy Hanukkah.

LIGHTING OF THE GREEN. Mayor Venis urged everyone to see the Lighting of the Green as it was a magnificent event for families to enjoy.

TOWN OF DAVIE NIGHT. Mayor Venis spoke on this event which had taken place last Sunday night at the Broward Arena. He stated that the professional indoor soccer team, Florida Thundercats, won that night and that ticket sale proceeds benefited the EASE Foundation.

ARISTA PARK HOMEOWNERS ASSOCIATION. Mayor Venis stated that he had attended the Association meeting with Interim Town Administrator Bob Rawls. He indicated that the Association had several concerns which was brought to their attention. Mayor Venis indicated that he and Mr. Rawls would be addressing those concerns and making corrections in the near future.

DAVIE ELEMENTARY SCHOOL. Mayor Venis stated that after speaking with the new principal of Davie Elementary School and with the Broward School Board building facilitator, the Town was considering expanding the construction of a shelter which would benefit the School and Gessner Park. He indicated that the project would be brought back for Council's review when more details were provided by the School Board and by the School.

GOOD CITIZENSHIP AWARD. Mayor Venis stated that he had attended the Good Citizenship Award event which was sponsored by Winn Dixie and held at the Signature Grand. He briefly detailed the ceremony and told of some of the 41 non-profit organizations which had received monetary awards from the Davis Family who was the founder of the Winn Dixie chain. Mayor Venis thanked the family for its continual sponsorship of this

event which was celebrating its 15th year.

STUDENT-OF-THE-MONTH. Mayor Venis congratulated his son, Harry Jr., who was selected as Student-of-the-Month at Saint Bonaventure School. He spoke highly of the program which the Town and the Police Department sponsored.

7. TOWN ADMINISTRATOR'S COMMENTS

EMS OPERATIONS. Mr. Rawls updated the Council on the Joint Powers Agreement with Broward County of which the partnership would realize sufficient savings for the Town and improve the efficiency of EMS operations. He indicated that all parties were supportive of moving forward to resolve several points of the agreement and he anticipated that in January, a formal document would be presented to Council for adoption. Mr. Rawls explained that an aspect of the agreement was that the Town advance its EMS takeover and he updated the Council on that endeavor as well. Mr. Rawls advised of the arrangement for notification of the Town's takeover with American Medical Response (AMR) and that AMR had agreed to reduce that notice period from four months to 60 days.

PARKS BOND INITIATIVE. Mr. Rawls stated that at the next Council meeting, staff would be presenting Council with a list of suppliers for park furnishings, play equipment, apparatus, etc., in an effort to show the public an immediate response to the parks bond initiative this year.

STAFF COMMENDATION. Mr. Rawls complimented the staff members who were responsible for meeting the challenge of completing the park refurbishment project over the summer. Chief Engineering Inspector Bruce Bernard stated his congratulations to the Capital Projects staff for a job well done. Mayor Venis handed out the certificates of appreciation.

Mayor Venis announced that item 8.4 had been withdrawn by staff.

Mayor Venis announced that item 9.2 needed to be tabled to January 6, 1999.

Vice-Chair Cox made a motion, seconded by Councilmember Bush, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - no. (Motion carried 4-1)

Mayor Venis announced that items 8.13, 9.5, 9.8, and 9.9 needed to be tabled to December 16, 1998.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 9.6 and 9.7 needed to be tabled to January 20, 1999.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 9.11 and 10.1 needed to be tabled to January 6, 1999.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - no. (Motion carried 4-1)

Mayor Venis advised that a resolution would be added to the agenda as item 13.1

Mayor Venis announced that item 9.10 needed to be tabled to February 3, 1999.

Councilmember Paul made a motion, seconded by Councilmember Bush, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - no. (Motion carried 4-1)

8. CONSENT AGENDA

Proclamations

- 8.1 Honorable Mayor Frank Veltri (Tribute)
8.2 National Epilepsy Awareness Month (November 1998)

Parade Permit

- 8.3 WKIS Radio (December 13, 1998; 1:00 p.m. to 2:00 p.m.)

Resolutions

8.4 RESOLUTION WITHDRAWN BY STAFF

RENTAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RENTAL AGREEMENT WITH SWIMAMERICA, INC. FROM DECEMBER, 1998 TO SEPTEMBER, 1999 FOR 1,109 HOURS OF LANE RENTAL AT THE PINE ISLAND COMMUNITY CENTER POOL. (rental fee - \$11,460) (tabled from November 18, 1998)

8.5 **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-366 AUTHORIZING A REVISION TO THE NOVA PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 10-3-98, east side of Davie Road at Nova Drive)

8.6 **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-367 AUTHORIZING A REVISION TO THE LADY ELIZABETH PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 10-4-98, northeast corner of Davie Road and SW 30 Street)

8.7 **RESTRICTIVE NOTE REVISION** - A RESOLUTION OF THE TOWN OF R-98-368 DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE UNIVERSITY PARK AT DAVIE PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 11-2-98, 5400 South University Drive)

8.8 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-98-369 THE BID FOR SCBA BREATHING APPARATUS, CITY OF POMPANO BEACH BID #H-06-99. (Safety Equipment Company; \$161,990.25)

8.9 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-98-370 THE BID FOR BULK PEBBLE QUICKLIME, CITY OF TAMARAC BID #98-34B. (Chemical Lime Company; \$88/per ton)

8.10A **RATIFICATION OF CONTRACT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTION R-98-229 PERTAINING TO THE FIREFIGHTERS DEFERRED RETIREMENT OPTION PLAN AND RATIFYING AN AMENDMENT TO THE ATTACHMENT TO ARTICLE 11, ENTITLED "PENSION PLAN," OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS; AND PROVIDING AN EFFECTIVE DATE.

8.10B **FIREFIGHTERS' PENSION TRUST FUND** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING AN ACTUARIAL IMPACT STATEMENT FOR THE CHANGES IN BENEFITS IN THE TOWN OF DAVIE FIREFIGHTERS' PENSION TRUST FUND AND ACCEPTING THE RELATED ESTIMATE OF THE IMPACT ON THE PENSION BENEFIT OBLIGATION.

8.11 **CREATING/RETITLING CLASS SPECIFICATIONS/RECLASSIFYING POSITION** - A R-98-371 RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CREATING THE CLASS SPECIFICATION FOR RISK MANAGEMENT TECHNICIAN AND PUBLIC WORKS/CAPITAL PROJECTS MANAGER AND ADOPTING THE JOB SPECIFICATION FOR POLICE CHIEF IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT; RETITLING THE JOB SPECIFICATION OF ASSISTANT PUBLIC WORKS DIRECTOR TO ASSISTANT PUBLIC WORKS MANAGER; AND RECLASSIFYING THE CHIEF ENGINEERING INSPECTOR TO PUBLIC WORKS/CAPITAL PROJECTS MANAGER.

8.12 LETTER OF AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-98-372 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF AGREEMENT WITH THE PRUDENTIAL INSURANCE COMPANY AS PROVIDER FOR FULLY-INSURED MEDICAL NETWORK HEALTH MAINTENANCE ORGANIZATION, DENTAL INSURANCE, AND PRESCRIPTION PLAN.

Ordinances - First Reading (Public Hearing to be held December 16, 1998)

8.13 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY AMENDING SECTION 12-40, ENTITLED "NON-CONFORMING USES OF BUILDINGS, STRUCTURES AND PREMISES" BY ADDING THERETO SUBSECTION 12-40(6); PROVIDING FOR RECONSTRUCTION IN CERTAIN CASES OF NON-CONFORMING STRUCTURES OF NO LESS THAN 20,000 FEET IN SIZE; PROVIDING CONDITIONS FOR RECONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
(tabled from November 4, 1998)

8.14 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY AMENDING SECTION 17-3, ENTITLED "PEDDLERS AND SOLICITORS, PERMIT FEE; INSURANCE" BY DELETING REFERENCE TO THE APPLICATION FEE; PROVIDING THAT THE FEE BE DEFINED BY THE OCCUPATIONAL LICENSE RATE SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
Vice-Mayor Cox asked that item 8.10 be removed from the Consent Agenda. Councilmember Weiner asked that item 8.11 be removed. Councilmember Paul asked that 8.14 be removed.
Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve the Consent Agenda without items 8.10, 8.11, and 8.14 [item 8.4 was withdrawn by staff].
Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a public hearing on item 8.14 would be held on December 16, 1998.
In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.10 Vice-Mayor Cox indicated that more time was needed to assimilate the 29 page document and she had noted a scrivener's error in the document as well. She asked if there was a problem in taking another two weeks to make certain that everything was in order. Mr. Rawls responded that he believed a postponement would not have an adverse impact. Councilmember Weiner stated that although he hoped this item would move forward more expeditiously, he was not opposed to a postponement in order that the document be corrected. Councilmember Bush expressed his understanding that there would be a delay and had no objection to a postponement. Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to table [December 16, 1998]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.11 Councilmember Weiner questioned why there were reclassifications when there was a pending resolution on the Town's computer indicating that there would be a townwide reclassification. Mr. Rawls advised that the draft on the computer had not moved forward; however, certain classifications, from time to time, required reclassifications. He explained the proposed reclassifications and creations of specifications. Mr. Rawls indicated that a townwide reclassification was not scheduled for any upcoming meeting. Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.14 Councilmember Paul asked for clarification of this item to enhance the public's understanding. Mr. Rawls explained that this ordinance was a housekeeping item which removed the fee from the Town's Code and incorporating it into the fee rate schedule.
Councilmember Paul made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote

was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinance - Second and Final Reading

9.1 PENSION PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTION 82-107, AS AMENDED, REPEALING THE CURRENT RESOLUTIONS AND ENACTING A NEW ORDINANCE FOR THE FIREFIGHTERS PENSION PLAN AND TRUST FUND; PROVIDING FOR CONTINUATION OF THE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to table until December 16, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Quasi Judicial Items

9.2 VACATION/ABANDONMENT - VA 9-1-98, Poinciana Homes of Broward, Inc., State Road 84 and SW 136 Avenue (to vacate a 10 foot utility easement located on Tract A of the West Park - West Parcel Plat) (tabled from November 18, 1998) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

9.3 REZONING - ZB 10-1-98, Calvary Chapel/Friedewald, 1775 Flamingo Road (from A-1 to CF) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the voluntary deed restrictions that were offered by the petitioner restricting the size of the two buildings to 15,000 square feet each for each building; with a maximum of 225 students, and with vehicular access being providing only from Flamingo Road*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Gayle Easterling, Planning and Zoning Manager, advised that she was an expert witness and her resume was on file in the Personnel Division. She read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Gary Morrow, representing the petitioner, was present and discussed the request. Any questions made by Council were answered by Ms. Easterling or Mr. Morrow.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke. Mr. Webber stated that the hearing was concluded.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve subject to the Planning and Zoning Board recommendation. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; and Councilmember Wiener - yes. (Motion carried 4-1)

9.4 VARIANCE - V 10-2-98, Pfeiffer, 2101 SW 136 Avenue (R-1) (to increase the area of the guest house from 400 square feet to 1,230 square feet; to increase the height of the accessory structure from 10 feet to 13.46 feet) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial* Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone would be speaking in opposition with no one being heard. Ms. Easterling summarized the planning report.

Vice-Mayor Cox asked what the Planning and Zoning Board's rationale was in denying this request. Ms. Easterling explained that the discussion was that since the addition would be 1,230 square feet, it would be a second living quarters; and that the site being 2.7 acres in size, it could be platted and developed as a separate lot. Discussions ensued with Ms. Easterling providing information to questions.

George Pfeiffer, the petitioner, was present and explained the request and his intentions as set forth in the

voluntary declaration of restrictions. Mr. Pfeiffer produced a faxed letter from his neighbor, Ralph Arronberg, and current pictures of the subject site which Mr. Webber examined and accepted as evidence for Council to consider. Mr. Webber also accepted into evidence the declaration of restrictions provided by Mr. Pfeiffer. Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. Joe Phillips, 2061 SW 136 Avenue, spoke in favor of the variance for his neighbor.

Councilmember Weiner clarified through Mrs. Easterling that the Code had changed after the residence was purchased.

Mr. Webber stated that the hearing was concluded.

Councilmember Paul stated her declaration that she had met with the petitioner and Mayor Venis disclosed that he had met with the petitioner.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Wiener - yes. (Motion carried 5-0)

Ordinance - First Reading (Second public hearing to be held December 16, 1998)

9.5 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB(TXT)-7-5-98 CREATING THE "RESIDENTIAL HIGH DENSITY DWELLING (RM-22) DISTRICT" BY AMENDING THE CODE OF DAVIE, FLORIDA, CHAPTER 12, LAND DEVELOPMENT CODE, SECTION 12-21 ENTITLED, "ZONING DISTRICTS"; SECTION 12-24 ENTITLED "STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS"; SECTION 12-32 ENTITLED, "TABLE OF PERMITTED USES"; SECTION 12-53 ENTITLED, RESIDENTIAL PERFORMANCE STANDARDS"; SECTION 12-81 ENTITLED, "RESIDENTIAL, NEIGHBORHOOD CONSERVATION AND MOBILE HOME STANDARDS, TABLE 12-81C. CONVENTIONAL MULTIFAMILY DEVELOPMENT STANDARDS"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from November 4, 1998)

This item was tabled earlier in the meeting.

Ordinances - First Reading (Second Public Hearing expected to be held Spring 1999)

9.6 PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PLAN AMENDMENT LA(TXT)-99-1A, AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY REVISING PROVISIONS GOVERNING SPECIAL RESIDENTIAL FACILITIES AND COMMUNITY FACILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

9.7 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT ZB(TXT)-10-3-98, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CHAPTER 12, LAND DEVELOPMENT CODE, SECTION 12-32 ENTITLED, "TABLE OF PERMITTED USES," SUBSECTIONS (A) "RESIDENTIAL DISTRICTS," (B) "COMMERCIAL, OFFICE AND BUSINESS DISTRICTS," AND (D) "RECREATIONAL, COMMUNITY FACILITIES AND UTILITIES DISTRICTS" TO ELIMINATE EXISTING CLASSIFICATIONS OF PERMITTED, CONDITIONALLY PERMITTED AND PROHIBITED RESIDENTIAL FACILITIES FOR POPULATIONS REQUIRING SPECIAL CARE AND/OR SUPERVISION, AND TO PROMULGATE NEW PERMITTED, CONDITIONALLY PERMITTED AND PROHIBITED CLASSIFICATIONS FOR RESIDENTIAL AND NONRESIDENTIAL FACILITIES FOR POPULATIONS REQUIRING SPECIAL CARE AND/OR SUPERVISION; AMENDING SECTION 12-34 ENTITLED, "DETAILED USE REGULATIONS," SUBSECTION (E), "CHILD CARE, DAY NURSERY, DAY CARE FACILITIES" TO PROVIDE FOR ADULT DAY CARE FACILITIES; TO DELETE SUBSECTION (Z), "SPECIAL RESIDENTIAL FACILITIES" IN ITS ENTIRETY, AND CREATE A NEW SUBSECTION (Z), "SPECIAL RESIDENTIAL FACILITIES" TO PROVIDE DEFINITIONS FOR FACILITY TYPES, OCCUPANCY AND DENSITY STANDARDS, AND MINIMUM REQUIRED DISTANCE SEPARATIONS; AMENDING SECTION 12-503 ENTITLED, "DEFINITIONS," TO ELIMINATE CERTAIN DEFINITIONS RELATING TO SPECIAL RESIDENTIAL FACILITIES AND CREATE NEW

DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
This item was tabled earlier in the meeting.

9.8 COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY REVISING THE HOUSING ELEMENT BASED UPON THE 1995 EVALUATION AND APPRAISAL REPORT OF THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

Items to be tabled

9.9 STAFF REQUESTING A TABLING TO DECEMBER 16, 1998

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO BP; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-2-98, 3550 Weston Road)

This item was tabled earlier in the meeting.

9.10 PLANNING AND ZONING BOARD TABLED TO JANUARY 13, 1999; COUNCIL CAN TABLE TO FEBRUARY 3, 1999

REZONING - ZB 10-2-98, Associated Engineers of South Florida, Inc./ADT Automotive, Inc., 5353 State Road 7

This item was tabled earlier in the meeting.

9.11 PLANNING AND ZONING BOARD TABLED TO DECEMBER 9, 1998; COUNCIL CAN TABLE TO JANUARY 6, 1999

VARIANCE - V 10-1-98, Manuel Synalovski Architects, Inc./Ross Realty Investment, Inc., 3315 South University Drive

This item was tabled earlier in the meeting.

10. ORDINANCE - FIRST READING (*Public Hearing to be held on December 16, 1998*)

10.1 VACATING UTILITY EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF UTILITY EASEMENT LOCATED WITHIN TRACT "A" OF THE WEST PARK - WEST PARCEL PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 9-1-98, 14450 State Road) (tabled from November 4, 1998)

This item was tabled earlier in the meeting.

11. APPOINTMENTS

11.1 Unsafe Structures Board (one non-exclusive appointment; appointment shall be an electrical contractor; term expires April 1999)

Mr. Rawls stated that staff had been unsuccessful in securing an electrical contractor and, therefore, elected to withdraw this item until such time as a candidate was found. He indicated that he would continue to pursue that endeavor to which Councilmember Weiner suggested that the electrical contractor working at the new public safety complex be contacted.

11.2 Budget Advisory Committee (one exclusive appointment per Councilmember; insofar as possible, members shall have experience in financial related occupations or similar skills; term of January to December 1999)

Councilmember Weiner appointed Dan Barr. Vice-Mayor Cox appointed John Pisula. Councilmember Paul appointed Ellen Christopher. Councilmember Bush appointed Terry Santini. Mayor Venis appointed David Brown and indicated that Mr. Davenport had resigned.

11.3 Davie Water Advisory Board (two exclusive appointments per Councilmember; insofar as possible, one member of the Board shall be a licensed engineer; term of January to December 1999)

Councilmember Weiner appointed Bob Hoth and Stuart Leiberman. Vice-Mayor Cox appointed Dean Alexander and deferred her second appointment. Councilmember Paul appointed Vicki Augustus-Fidelia and Larry Davis. Councilmember Bush appointed Don Zane and deferred his second appointment. Mayor Venis deferred his two appointments to the next meeting.

Mayor Venis requested a motion to add item 13.1 to the agenda.

Councilmember Paul made a motion, seconded by Councilmember Bush, to add item 13.1 to the agenda. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Wiener - yes. (Motion carried 5-0)

**13.1 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-98-373 TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH 99.9 KISS COUNTRY FOR
THE RENTAL OF THE BERGERON RODEO GROUNDS OF DAVIE, FLORIDA**

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Wiener - yes. (Motion carried 5-0)

12. OLD BUSINESS

Councilmember Weiner inquired why an item that was brought up at a previous meeting by Councilmember Bush regarding a vendor in front of Home Depot and was tabled to this meeting, had not been addressed. Mr. Webber replied that there was an advertising requirement and Ms. Easterling explained that after it was renoticed and readvertised, it would be back before Council on December 16, 1998.

13. NEW BUSINESS

There was no new business discussed.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 9:02 p.m.

